

## Message Text

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PAGE 01 MEXICO 00036 032320Z  
ACTION L-03

INFO OCT-01 ARA-06 ISO-00 JUSE-00 /010 W  
-----040050Z 060783 /66

R 032255Z JAN 77  
FM AMEMBASSY MEXICO  
TO SECSTATE WASHDC 9471

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L FOR PROF VAGTS; JUSTICE FOR MR. STEIN

E. O. 11652: N/A  
TAGS: PFOR, MX  
SUBJECT: TREATY ON EXECUTION OF PENAL SENTENCES

1. ON MORNING OF JANUARY 3, 1977, ATTORNEY GENERAL OF STATE OF CALIFORNIA, EVELLE J. YOUNGER, TELEPHONED EMBASSY LEGAL ADVISER GAITHER TO DISCUSS STATUS OF PRISONER RETURN. HIS INITIAL INQUIRY WAS DIRECTED TO THE STATUS OF THE PASSAGE BY MEXICO OF LEGISLATION PERMITTING PAROLE FOR NARCOTIC OFFENDERS. LEGAL ADVISER REPORTED THAT PROPOSAL HAD NOT PASSED AND EXPLAINED THAT MEXICAN CONGRESS WOULD NOT BE IN SESSION AGAIN UNTIL SEPTEMBER 1977. GAITHER INDICATED THAT BARRING A SPECIAL SESSION OF CONGRESS, THE PASSAGE OF THIS PROPOSAL WOULD NOT BE POSSIBLE.

2. LEGAL ADVISER CONFIRMED THAT MEXICAN CONSTITUTION HAD IN FACT BEEN AMENDED TO PERMIT RATIFICATION OF TREATY OF EXECUTION OF PENAL SENTENCES AND THAT THE TREATY HAD BEEN RATIFIED ON DECEMBER 30 BY MEXICAN SENATE.

3. THE ATTORNEY GENERAL STATES THAT HE WOULD NOT CAUSE ANY PROBLEM WITH RESPECT TO RATIFICATION OF THE TREATY.

HE WOULD BE MEETING WITH SEVERAL DISTRICT ATTORNEYS THIS WEEK TO DISCUSS THE SITUATION. HE STATED THE PROBLEM

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THAT FACED CALIFORNIA WAS THE IMMUNITY THE TREATY WOULD GIVE FROM PROSECUTION IN CALIFORNIA. HE INDICATED THAT THE STATE AUTHORITIES WOULD KEEP IN CLOSE CONTACT WITH THE U.S. ATTORNEYS IN CALIFORNIA AND EXPRESSED THE HOPE THAT THROUGH THIS CHANNEL THE JUSTICE DEPARTMENT WOULD TAKE INTO ACCOUNT THE DESIRES OF THE STATE OF CALIFORNIA WHEN DETERMINING WHETHER OR NOT TO ACCEPT THE TRANSFER OF

A GIVEN INDIVIDUAL.

4. THE ATTORNEY GENERAL MENTIONED THE PROBLEM OF HOUSING  
IN THE PRISONS OF CALIFORNIA. EMBASSY LEGAL ADVISER  
INDICATED THAT ALTHOUGH HE DID NOT HAVE FIGURES HE EXPECTED  
THAT THERE WOULD BE SUBSTANTIAL NUMBER OF THOSE RETURNING  
UNDER THE TREATY WHO WOULD BE ELIGIBLE TO APPLY FOR  
IMMEDIATE PAROLE THUS POSSIBLY ELIMINATING SUBSTANTIAL  
HOUSING PROBLEMS.

5. YOUNGER EXPRESSED HOPE THAT HE AND LEGAL ADVISER COULD  
MEET IN NEAR FUTURE TO EXCHANGE VIEWS. LEGAL ADVISER  
INDICATED THAT THIS MIGHT BE A POSSIBILITY AND THAT HE  
WOULD ADVISE YOUNGER.

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## Message Attributes

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**Review Markings:**  
Margaret P. Grafeld  
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